ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 90 of the	)	PR Docket No. 89-552
Commission's Rules to Provide	)	
for the Use of the 220-222 MHz	)	
Band by the Private Land Mobile	)	
Radio Service	)	
	)	
Implementation of Sections 3(n) and 332	)	GN Docket No. 93-252
of the Communications Act	)	
	)	
Regulatory Treatment of Mobile Services	)	

REPLY COMMENTS OF US MOBILCOMM, INC.

US MobilComm, Inc. ("USMC"), by it attorneys and pursuant to Section 1.415 of the Commission's rules, hereby submits its reply in the above-referenced proceeding. As demonstrated below, USMC fully supports the Comments of the American Mobile Telecommunications Association, Inc. ("AMTA Comments") and urges the Commission to adopt AMTA's proposal.

Background

US MobilComm, Inc. and its affiliated companies began operations in early 1993 with a goal of building and operating major market wireless voice and data networks of commercial trunked five-channel 220 MHz systems (the "Network"). The Network consists of individually owned, licensed, and controlled systems whose licensees have come together under USMC's common management umbrella.

To date, 220 MHz systems owned and/or managed by USMC have been constructed and are being managed by USMC in the metropolitan areas of Boston, Philadelphia, New York City, Baltimore/Washington, Miami, and Milwaukee. USMC believes that it currently manages more licenses in the major markets on the East Coast than any other 220 MHz management company. Additional USMC markets include Chicago, Dallas, Hartford, Houston, Minneapolis, and Sacramento.

USMC and its counsel have worked with the FCC and AMTA extensively over the past 1 ½ years in an effort to develop guidelines which would be consistent with the goals of the FCC while allowing the 220 MHz industry the flexibility it needs to develop into the high quality wireless communications service provider it has the potential to become. These efforts have included numerous meetings between the senior staff of the wireless bureau and USMC officials and its counsel, as well as the filing of numerous comments by USMC in this proceeding.

Although several of the proposals discussed among the Commission, AMTA, and USMC did seem to have considerable support from the Commission, such proposals were never adopted. The inability to modify licenses has stymied the development of the 220 MHz industry and has prevented a viable and needed service from being offered on a competitive basis to the public. The tens of millions of dollars invested by manufacturers and operators of 220 MHz systems stands to be lost unless minimally acceptable modification guidelines are adopted by the FCC.

Discussion

USMC and its counsel have worked closely with AMTA in the preparation of AMTA's Comments to the Fourth Notice of Proposed Rulemaking, PR Docket No. 89-552, GN Docket No. 93-252 (August 29, 1995) and AMTA's Reply Comments. USMC fully supports the

proposals set forth by AMTA. USMC believes that AMTA's proposals are consistent with stated FCC goals while providing the 220 MHz industry the minimum flexibility that it needs to construct economically viable systems.

While fully supporting AMTA's proposal, USMC would emphasize several points in the AMTA Comments and Reply Comments.

I. AMTA's Proposed Modification Guidelines Will Not Lead to Licensees Moving into Urban Areas

The Commission has expressed a concern that modification guidelines should not allow licensees to move licenses located outside major urban areas to sites within major urban areas. USMC believes that it manages more 220 MHz licenses in the major markets on the East Coast than any other company and can assure the Commission that in its markets the exact opposite is true.

USMC has prepared and attached as Exhibit A maps it has prepared reflecting the universe of commercial 5 channel 220 MHz licenses issued in Boston and Philadelphia. These maps were also provided by USMC to AMTA and incorporated as an exhibit to AMTA's Comments.

The large semi-circle on the Boston map and the circle on the Philadelphia map reflect a 40 mile distance from the center of the city. This 40 mile area essentially equates to the commercial traffic pattern of the market. The inner circles, which are extremely small, represent the entire licensing of 220 MHz at any point within the 40 mile area.

The suburban areas outside both Boston and Philadelphia are at significantly higher elevations than the downtown urban areas. This leads to substantial deficiencies in the ability of

downtown systems to provide adequate coverage to the suburban areas. While the downtown systems will carry as far as the end of the 40 mile area in all cases, the hilly terrain outside the city creates significant holes in coverage in the suburban areas. Therefore, what USMC has sought is merely to move away from the urban areas to provide better coverage to its target markets.

It should be noted that networks operated at 800 and 900 MHz have developed extensively since the applications for 220 MHz licenses were accepted in 1991 and provide coverage throughout the 40 mile area. To successfully compete for customers against 800 and 900 networks, 220 MHz systems must be able to provide comparable coverage. With the limited flexibility provided by the AMTA proposal, licenses could be modified away from the urban areas to accomplish this goal and provide much better service to the public. Additionally, it should be noted that given the heavy concentration of 220 MHz licenses in the urban areas, licensees in rural and suburban areas could not move significantly closer to the urban areas due to co-channel restrictions. As reflected on the maps, there is a concentration of 17 and 18 licenses in the center city areas of Boston and Philadelphia respectively. There are no other licenses which, even if moved 22 miles (35 kilometers), could be constructed within the 40 mile circle.

USMC has conducted similar studies in the Baltimore/Washington metropolitan area with very similar results.

II. The FCC Should Allow Additional Modifications Within the Current or Modified Service Area Contour

The 220 MHz industry is still largely undeveloped. Until networks are more fully built

out and certain products are made available, the final suitability determinations for many sites cannot be made. For instance, the first portable radio for use in 220 MHz was not type accepted by the FCC until July 1995 and will not be available for sale until later in the fall of 1995. The range of a portable radio is less than for higher powered mobile radios.

Until networks are completed and being operated with both mobile and portable radios, final coverage analyses cannot be done. Accordingly, licensees will need guidelines which will permit them to modify there licenses after the initial window has closed. AMTA has proposed that once the applications have been taken for the one-time modification filing window that further modification be permitted as long as it does not increase the service contour in any direction. USMC supports this proposal and emphasizes its importance.

III. The FCC Should Permit the Use of Directional Antennas to Maintain the 38 dBu Service Area Contour

The FCC should permit the use of directional antennas to maintain the current or modified service contour. The proposal of the FCC to allow an unlimited number of fill-in transmitters to maintain a service area is not realistic given the economies of 220 MHz systems. It is just as costly to construct a fill-in base station as it is a primary base station. However, by using directional antennas, the service contour can be maintained at full power. To again use the attached maps as an illustration, USMC's goal in most cases is merely to relocate systems to higher terrain 10-20 miles outside the city and look back at the original site from the new site. These higher outlying sites provide coverage into the areas which are coverage problems for center city sites.

The original or modified contour can be maintained at full power by using a directional antenna. As set forth in comments filed by SEA, Inc., there are directional antennas which are extremely effective at restricting signals in certain directions.

Conclusion

AMTA's proposals provide the limited flexibility needed for 220 MHz licensees to modify their licenses in ways that will enable a high quality new service to be offered to the public expeditiously. The modification application process will place very little administrative burden on the resources of the Commission.

Further, the ability to begin offering competitive service on this spectrum will enhance interest in the spectrum and should lead to much greater values being placed on the spectrum in the upcoming auctions.

Respectfully submitted,

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By: _____

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September 27, 1995

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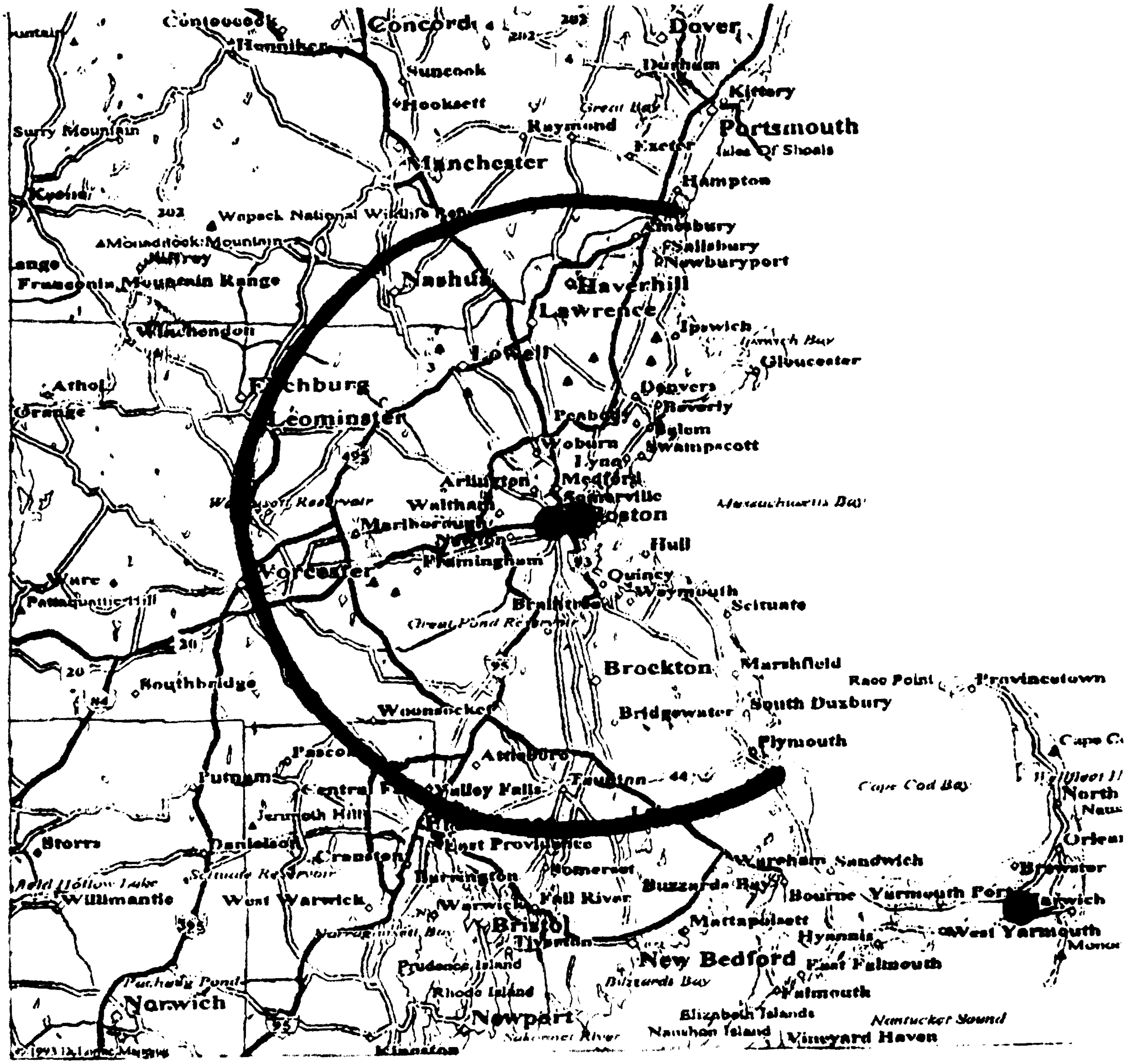
EXHIBIT A



LEGEND

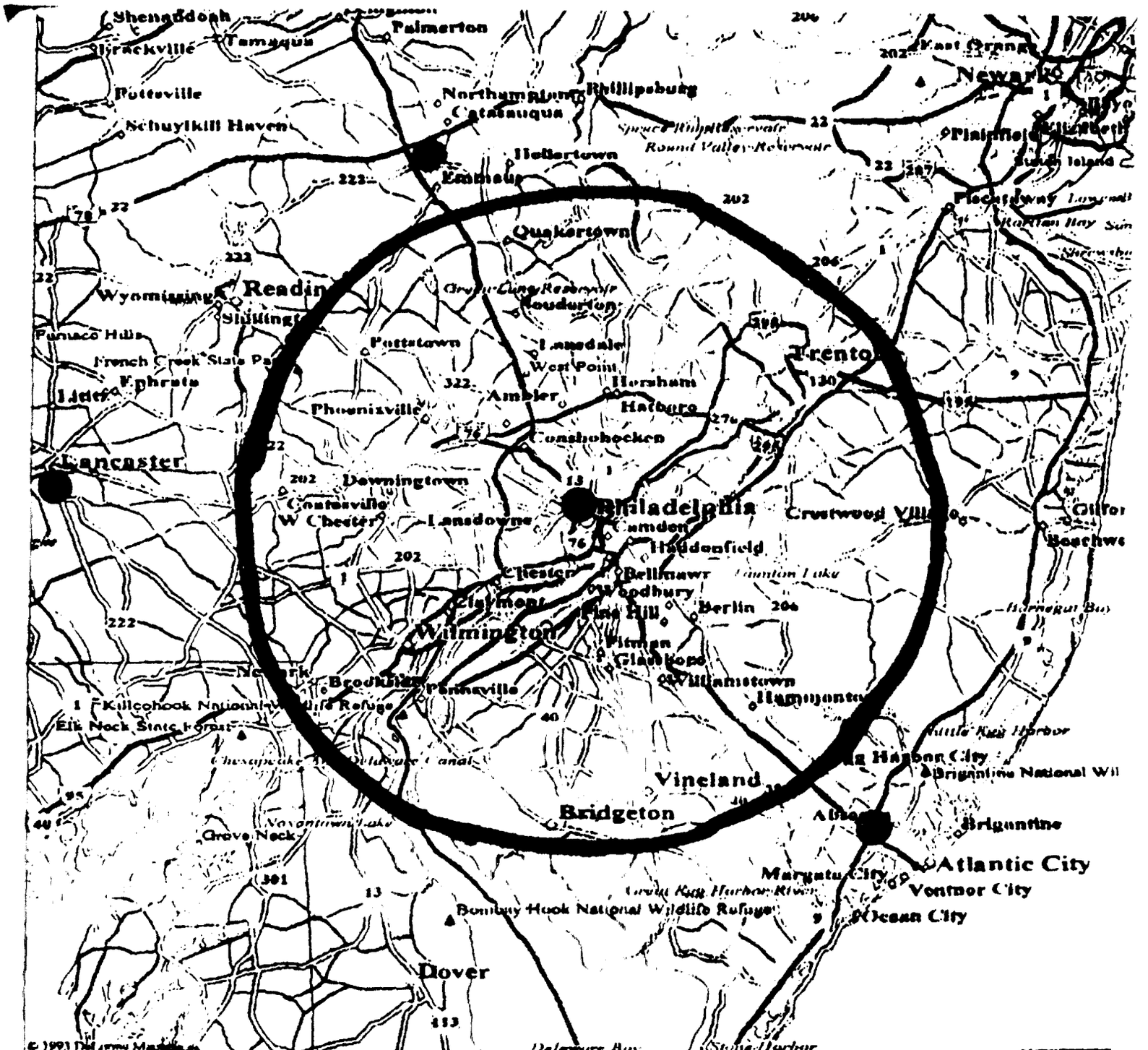
- Geo Feature
- State Capitol
- Town Small City
- Large City
- Hill
- Park
- Interstate, Turnpike
- US Highway
- State/Prov Boundary
- Population Center
- Major Street/Road
- Interstate Highway
- State Route
- US Highway
- Land Mass
- Open Water

Scale 1:1,000,000 (at center)

20 Miles

20 KM

USM Boston License Dispersion
Mag 9.00
Tue Sep 12 11:34:17 1995



LEGEND

- Major City
- State Capitol
- Town, Small City
- Large City
- Interstate, Turnpike
- State/Prov Boundary
- Population Center
- Major Street/Road
- Interstate Highway
- State Route
- US Highway
- River

Scale 1:1,000,000 (at center)

20 Miles

20 KM

US Mobil Comm Inc Licensee Dist
Mag 9.00
Tue Sep 12 11:29:30 1995

CERTIFICATE OF SERVICE

I, Ana Julissa Ayala, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P. do hereby certify that on this 27th day of September, 1995, a copy of the foregoing "**Reply Comments of US MobilComm, Inc.**" was sent by U.S. first class mail, postage prepaid to the following:

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